

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DANIEL K. LEONG (01)  
CAL GRAVES (02),**

**Defendants.**

**Criminal Case No. 3-11-CR-247-M  
ECF**

**DEFENDANT GRAVES' NOTICE OF EXPERT TESTIMONY**

COMES NOW, CAL WADE GRAVES ("Defendant" or "Graves"), and files this Notice of Expert Testimony pursuant to the Court's Scheduling Order and Federal Rule of Criminal Procedure Rule 16.

Although Defendant Cal Wade Graves expects to call the following expert witnesses at the trial of the above-captioned case, he cannot predict the specific areas of testimony that may be needed from each expert because of (1) the government's plan to supersede its Indictment on or around March 8, 2012 and (2) the infirmities present in the Original Indictment, all as set forth more fully in Graves' Second Motion to Dismiss. Given the possibility that the government's allegations will change and/or new allegations will arise, Graves reserves his right to supplement or alter the subject testimony of any expert witness as necessary to respond to any new or changed allegations in the Indictment.

1. **Robert Amos Griffin, M.D.**  
2805 Bonnie Road  
Austin, Texas 78703

Dr. Griffin maintains a practice in the specialty area of pain management at Austin Regional Clinic, where he has worked for over 20 years. He received his M.D. from the University of Texas Medical School at Houston and is certified by the American Board of Internal Medicine in the subspecialty of Internal Medicine. He is a member of the Texas Medical Association as well as the Travis County Medical Society. Dr. Griffin also serves as a chart reviewer for the Texas Medical Board.

Dr. Griffin will opine on the appropriateness, reasonableness, and necessity of various medical services that were offered at the South Dallas Community Medical Center (the “Clinic”), including for example: prescriptions, diagnostic tests, preventative treatments, and office visits. He will utilize the specific records and charts of the Clinic as well as his knowledge, skill, experience, education, and training in the practice of medicine to determine the necessity of the medical services administered by Cal Graves in particular and the Clinic in general. Dr. Griffin will also offer testimony regarding the scientific, medical, legal, and practical issues inherent in the practice of pain management medicine and general practice medicine. He will also opine on the use of opioids and other controlled substances to treat pain management patients, as well as the regulations and registration requirements that govern prescriptions for opioids and other controlled substances.

**2. Patti Pagels, MPAS, PA-C**  
5920 Forest Park Boulevard  
Dallas, Texas 75390

Ms. Pagels is an Assistant Professor in the Department of Family Medicine at the University of Texas Southwestern Medical Center at Dallas. She also serves as Medical Director at the Union Gospel Mission medical clinic, servicing the indigent population in Dallas. Ms.

Pagels received her B.S. in Physician Assistant Studies at University of Texas Southwestern Medical Center at Dallas and her Masters in Physician Assistant Studies at the University of Nebraska Medical Center at Omaha. She has previously served as Assistant Professor of the Physician Assistant Studies Program as well as Vice Chair of the Clinical Services Physician Assistant Studies Department at the University of North Texas Health Science Center at Fort Worth. She has authored several publications regarding medical care and medical education, including, for example, chapters in books such as *A Comprehensive Review for the Certification and Recertification Examination for Physician Assistants*. Ms. Pagels is a member of American Academy of Physician Assistants and the Texas Academy of Physician Assistants. Among other awards, Ms. Pagels was honored as Educator of the Year in 2002 by the Texas Academy of Physician Assistants.

Ms. Pagels will offer testimony as to the skill, training, education, and standards for Physician Assistants. She will offer testimony regarding the role of Physician Assistants in a medical practice, including how they must implement the protocol of the supervising physician. She will also offer testimony regarding the difficulties and issues that arise when providing medical care to indigent and underserved populations. Ms. Pagels will also opine on the appropriateness, reasonableness, and necessity of various medical services that were offered at the Clinic, including for example: prescriptions, diagnostic tests, preventative treatments, and office visits. She will utilize the specific records and charts of the Clinic as well as her knowledge, skill, experience, education, and training in the practice of medicine to determine the necessity of the medical services administered by Cal Graves in particular and the Clinic in general. Ms. Pagels will also opine on the regulations and registration requirements for

Physician Assistants across the country, including those that govern prescriptions for controlled substances.

**3. Jeffrey Nicholson, PhD, PA-C**  
7033 Wellauer Drive  
Milwaukee, WI 53213

Dr. Nicholson maintains a clinical practice as an Emergency Room Specialist for Care on Demand and also for St. Joseph Hospital Emergency Department in Milwaukee, WI. He has served as Program Director and Director of Clinical Education for the Physician Assistant Program at the University of Wisconsin Medical School, as well as Assistant Professor of Clinical Education at the University of Texas Southwestern Medical Center at Dallas. Dr. Nicholson received his Masters in Physician Assistant Studies at the University of Nebraska, a Masters in Education from Harvard University, and a Doctorate of Philosophy from the University of Wisconsin. He has served as President of the Wisconsin Academy of Physician Assistants, President of American Academy of Physician Assistants in Legal Medicine, and has been a five time Representative to the American Academy of Physician Assistants House of Delegates. Among his many publications, he has authored the book, *Physician Assistant Medical Malpractice in the Healthcare Workforce* and served as Editor of the *Physician Assistant Employment Guide*.

Dr. Nicholson will offer testimony as to the skill, training, education, and standards for Physician Assistants. He will offer testimony regarding the role of Physician Assistants in a medical practice, including how they must implement the protocol of the supervising physician. Dr. Nicholson will also opine on the appropriateness, reasonableness, and necessity of various medical services that were offered at the Clinic, including for example: prescriptions, diagnostic

tests, preventative treatments, and office visits. He will utilize the specific records and charts of the Clinic as well as his knowledge, skill, experience, education, and training in the practice of medicine to determine the necessity of the medical services administered by Cal Graves in particular and the Clinic in general. Dr. Nicholson will also opine on the regulations and registration requirements for Physician Assistants across the country, including those that govern prescriptions for controlled substances.

**4. Christopher Sharp, J.D.**  
4705 Spicewood Springs Road, Suite  
Austin, Texas 78759

Mr. Sharp is an attorney of counsel to Sharp & Cobos, L.L.P. His legal practice includes extensive experience representing physicians in Texas Medical Board matters and in peer review proceedings involving physicians and hospitals. Mr. Sharp earned his B.B.A. from the University of Texas at Austin and a J.D. from SMU Law School.

Mr. Sharp will opine on the laws, rules and regulations that govern Physician Assistants in the State of Texas, including specifically, the requirements to prescribe controlled substances in the state of Texas and whether, more specifically, Graves was required to register with the DEA in his role as a physician assistant at the South Dallas Community Medical Clinic. Mr. Sharp's opinion is based on his review of the documents in the case, including a review of the prescriptions issued from the Clinic as well as his review of the Indictment and his knowledge of the laws, regulations, and rules which govern such areas. Depending on the Court's ruling on Graves' request that all references to pre-signed prescriptions be stricken, Mr. Sharp may also opine on the law governing the use of pre-signed prescriptions in the State of Texas.

5. **Julian Rivera, J.D.**

111 Congress Avenue, Suite 1400  
Austin, Texas 78701

Mr. Rivera is an attorney and Partner at Brown McCarroll, L.L.P. His legal practice focuses on the representation of health care providers before government agencies, including licensing and regulatory matters before state and federal agencies, including the Texas Medical Board. Mr. Rivera received a Bachelor of Science from the University of Houston and a Juris Doctorate from Texas Tech University School of Law. He has worked in the medical profession as a researcher at the University of Texas M.D. Anderson Medical Center and Baylor College of Medicine, and has served as an in-house attorney for the Texas Medical Board. Mr. Rivera has authored many publications and presentations on health care law and has served as Vice Chair for the Physician Issues Interest Group of the American Bar Association.

Mr. Rivera will opine on the laws, rules and regulations that govern Physician Assistants in the State of Texas, including specifically, the requirements to prescribe controlled substances in the state of Texas and whether, more specifically, Graves was required to register with the DEA in his role as a physician assistant at the South Dallas Community Medical Clinic. Mr. Rivera's opinion is based on his review of the documents in the case, including a review of the prescriptions issued from the Clinic as well as his review of the Indictment and his knowledge of the laws, regulations, and rules which govern such areas. Depending on the Court's ruling on Graves' request that all references to pre-signed prescriptions be stricken, Mr. Rivera may also opine on the law governing the use of pre-signed prescriptions in the State of Texas.

Respectfully submitted,

FISH & RICHARDSON P.C.

By: *s/ William B. Mateja*

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**COUNSEL FOR DEFENDANT  
CAL WADE GRAVES**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record using the Court's CM/ECF system on this 5th day of March, 2012.

s/ William B. Mateja

William B. Mateja